

ENTERED

December 02, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONMARIANO BENJAMIN GUTIERREZ-
MUNOZ

Petitioner

VS.

UNITED STATES OF AMERICA,

Respondent.

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CIVIL ACTION NO. 7:22-CV-00428

ORDER DENYING MOTION TO APPEAL IN FORMA PAUPERIS

Now before the Court is Movant Mariano Benjamin Gutierrez-Munoz's filing construed as a Motion to Appeal in forma pauperis ("IFP") this Court's Orders adopting the Magistrate Judge's Report and Recommendation and granting dismissal. (Dkt. No. 21). As the Court has adopted the Magistrate's recommendation that a certificate of appealability be denied, the Court hereby certifies that an appeal of its Orders would not be taken in good faith, and therefore **ORDERS** that the Motion is hereby **DENIED**. *See* (Dkt. Nos. 14, 17); FED. R. APP. P. 24(a)(3)(A); 28 U.S.C. § 1915(a)(3).

Movant is advised that within 30 days after service of this Order, he may file a motion in the Court of Appeals to appeal IFP. *See* FED. R. APP. P. 24(a)(5).

The Clerk shall mail a copy of this Order to Movant.

SO ORDERED December 2, 2024, at McAllen, Texas.



Randy Crane
Chief United States District Judge